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Attorney for Defendant  
James Timothy Banks

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | ) | CR S-04-0011 FCD       |
|                           | ) |                        |
| Plaintiff,                | ) |                        |
|                           | ) |                        |
| v.                        | ) |                        |
|                           | ) | <b>STIPULATION AND</b> |
| JAMES TIMOTHY BANKS,      | ) | <b>ORDER</b>           |
|                           | ) |                        |
| Defendant.                | ) |                        |
| _____                     | ) |                        |

Plaintiff United States of America, represented by William S. Wong, Assistant United States Attorney, and defendant James Timothy Banks, represented by Quin Denvir, Federal Defender, in order to resolve defendant's pending Motion for Return of Property under Rule 41(g), Fed. R. Crim. P., hereby stipulate and agree as follows:

1. Defendant shall release all claim and title to the Jennings .22 caliber pistol designated as Evidence Item G-8 and the government shall retain possession and control of that firearm;

2. Upon proof of identity of the recipient, the \$960 seized from defendant on December 23, 2003 and designated as Evidence Item M-1 shall be returned to defendant and/or any person designated by him in writing;
3. Upon proof of identity of the recipient, the Ruger .40 caliber, Winchester .22 caliber, Winchester 30-06 caliber, Marlin .35 caliber, Winchester 30/30 caliber, Marlin .22 caliber, and Savage .22 caliber rifles, designated as Evidence Items G-1 through G-7, shall be released to defendant's father William Henry Banks, SSN 534-42-2070, DOB 12/28/1943, on condition that William H. Banks is not a convicted felon, who shall not thereafter transfer them except in compliance with state and federal firearms law;
4. Upon proof of identity of the recipient, the items designated as Evidence Items JS-1, JS-2, G6A, G7A, and G8A shall be released to defendant's father, William Henry Banks.
5. Upon proof of identity of the recipient, the items designated as Evidence Items SH-4, SH-6, SH-7, SH-8, SH-9, SH-10, and SH-11 shall be released to defendant and/or any person designated by him in writing;

In light of this resolution, the defendant withdraws his pending motion for return of property.

Respectfully submitted,

DATED: October 4, 2005      /s/ Quin Denvir  
QUIN DENVIR  
Federal Defender  
Attorney for James Banks

MCGREGOR W. SCOTT  
United States Attorney

DATED: October 4, 2005      /s/ William S. Wong  
WILLIAM S. WONG  
Assistant U. S. Attorney

**O R D E R**

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: October 11, 2005      /s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL, Jr.  
United States District Judge